

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.24665 of 2004

Dated: 22-06-2006

Between:

G. Narsing Rao and another.

..... PETITIONERS

AND

State of A.P., rep. by its Secretary,
Revenue Department, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.24665 of 2004

ORDER:

The second petitioner is a firm which purchased land admeasuring Acs.2.00 in survey No.44/5 and 119 of Bibi Saheb Maktha Mahaboobpet village, Serilingampally Mandal, Rangareddy District, under an irrevocable general power of attorney. The firm submitted proposals for approved lay out to Hyderabad Urban Development Authority (HUDA) and the same was sanctioned on 12-07-1996. The firm allegedly developed the land by providing necessary infrastructural facilities and also constructed residential houses besides disposing of plots. The Government of Andhra Pradesh in purported exercise of power under Section 22-A of the Registration Act, 1908 (the Registration Act, for brevity) as amended by the Registration (Andhra Pradesh Amendment) Act, 1999, issued a notification vide G.O.Ms.No.260 dated 16-03-2004, declaring registration of land in survey Nos.44/5 and 119 as opposed to public policy, assailing which the present writ petition is filed.

Be it noted, a Division Bench of this Court in W.P.No.14099 of 2003 and batch by a common order dated 07-12-2005, struck down Section 22-A of the Registration Act following the decision of the Supreme Court in **State of Rajasthan and others vs. Basant Nahata**^[1].

It is also brought to the notice of this Court that a Division Bench of this Court in W.P.Nos.17325 of 2005 and batch by a common order dated 20-02-2006, again struck down a notification vide G.O.Ms.No.810 dated 14-10-2004 issued under Section 22-A of the Registration Act, following the decision of the Supreme Court observing as follows.

As a sequel to the above, G.O.Ms.No.810 dated 14-10-2004 is also quashed. However, it is made clear that registration of the documents of the petitioners would remain subject to the final adjudication by the Supreme Court. This would necessarily mean that if the appeal filed by the State is allowed by the Supreme Court, the registration of the documents of the petitioners shall stand automatically nullified.

Following the above judgment, notification of the Government in G.O.Ms.No.260 dated 16-10-2004 is quashed. Any registration would be subject to final adjudication by the Supreme Court and if ultimately the Supreme Court upholds the validity of Section 22-A of the Registration Act (as applicable to state of Andhra Pradesh), registration of the documents by the petitioners shall stand automatically nullified.

The writ petition, subject to above observations and directions, is

accordingly allowed. No costs.

V.V.S.RAO, J

22nd June, 2006
ghn

[\[1\]](#) 2005 AIR SCW 4456